



# U.S EPA – Region 5 and the Northwest Indiana

## Environmental Enforcement Initiative

ROBERT D. TOLPA, U.S. EPA,  
RETIRED

# Boundary Waters Treaty of 1909

- The Boundary Waters Treaty, completed on January 11, 1909, was approved by the United States Senate on March 3, 1909. President **William Howard Taft** ratified the treaty on May 13, 1910. England's **King Edward VII** ratified Canada's corollary International Boundary Waters Treaty Act.
- The Treaty created the U.S. / Canadian ***International Joint Commission (IJC)*** to establish limits and adjudicate questions between the two countries and, to protect the Great Lakes.

# Great Lakes Water Quality Agreement

- The first Agreement signed Canada and the U.S. on April 15, 1972.
- The original agreement established basin-wide water quality objectives and, a commitment by both countries to implement and monitor industrial and municipal pollution control programs.
- The Agreement has been renewed in 1978, 1983, 1987 and, 2012.

# 1987 Amendments to the Great Lakes Water Quality Agreement

The 1987 amendments added three very important elements to the existing agreement:

- **Lakewide Management Plans (LaMPs)**, comprehensive whole-lake strategies designed to address the most serious problems affecting an individual lake e.g. nutrients, toxic substances.
- **Areas of Concern (AOCs)** geographic areas designated by the two countries where significant impairment of beneficial uses has occurred as a result of human activities at the local level.
- **Remedial Action Plans (RAPs)**, site specific plans for seriously polluted or degraded near shore areas called areas of concerns or “AOCs”.

# EPA, Chicago, Water Division, 1988

- EPA HQ and the Great Lakes Office expect the Water Division to start implementing the new requirements of the revised Water Quality Agreement.
- No guidelines, targets or metrics to direct work at the new ***Areas of Concern***.
- Had a few big water enforcement actions underway or planned in Northwest Indiana: City of Gary, City of Hammond, US Steel - Gary Works
- But how?
- Cobble the enforcement actions together and tell everyone we have complied.

# Initiative's Genesis

- Water Division had the lead but we reached out to:
  - Other EPA programs: Air, Hazardous Waste, Drinking Water, Superfund;
  - Other Agencies: State of Indiana, Army Corps of Engineers;
- Lot single - media enforcement actions underway or pending;
- Corps had been stymied in attempting to carry out navigational dredging.
- Active citizen environmental groups in the area.
- New Pollution Prevention Law that needed to be highlighted
- Could all this be tied together?

## Toxic sites in Northwest Indiana

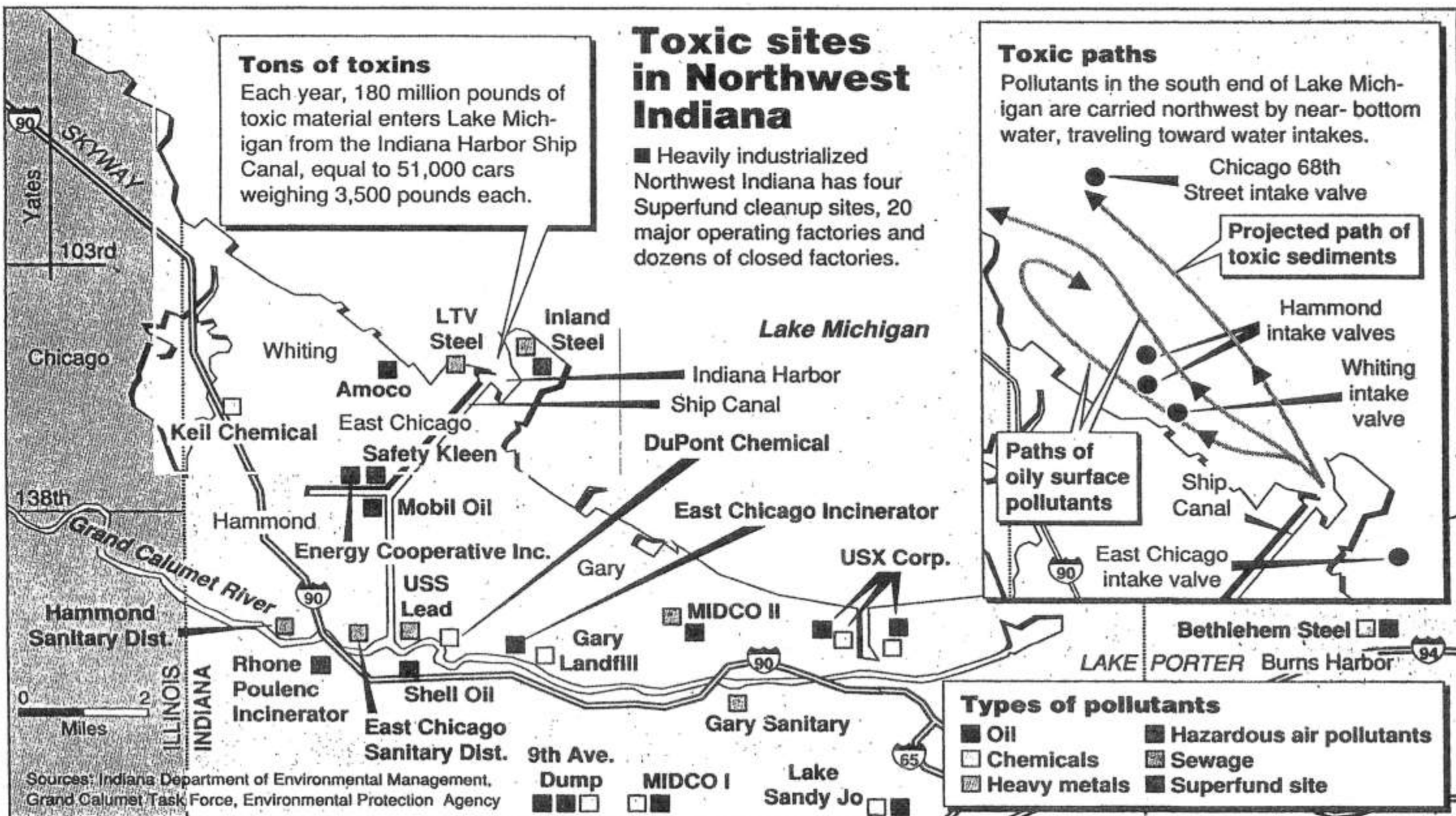
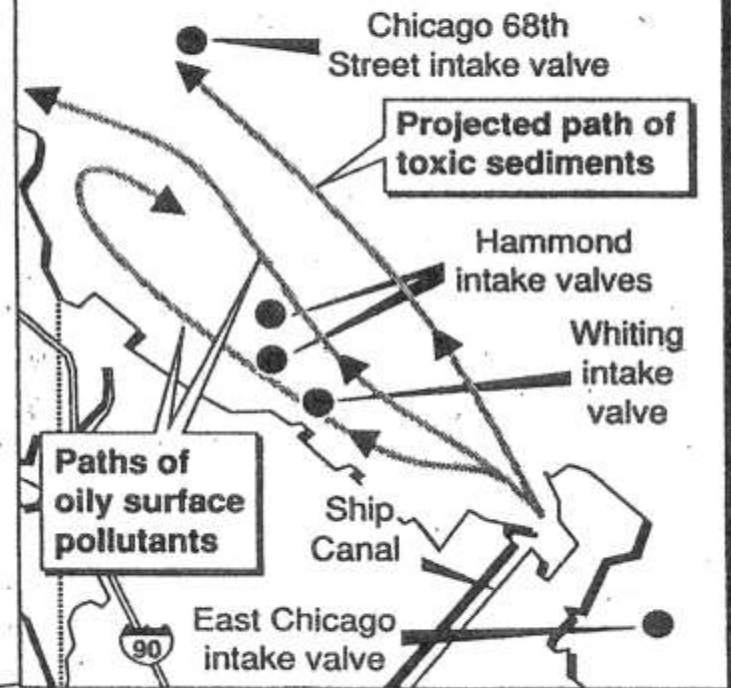
■ Heavily industrialized Northwest Indiana has four Superfund cleanup sites, 20 major operating factories and dozens of closed factories.

### Tons of toxins

Each year, 180 million pounds of toxic material enters Lake Michigan from the Indiana Harbor Ship Canal, equal to 51,000 cars weighing 3,500 pounds each.

### Toxic paths

Pollutants in the south end of Lake Michigan are carried northwest by near-bottom water, traveling toward water intakes.



# Northwest Indiana Environmental Enforcement Initiative

- Ensure compliance with all environmental statutes
- Remediate, treat or safely dispose, 4 to 5 million of cubic yards of contaminated sediments
- Address several million gallons of petroleum distillate (oil and gasoline) floating on top of the ground water and seeping into Lake Michigan
- Encourage Pollution Prevention e.g. recycling and reuse
- Expand and Improve public involvement



# Northwest Indiana Environmental Enforcement Initiative

- The Initiative was a direct outgrowth of the 1987 amendments to the Great Lakes Water Quality Agreement.
- The Initiative was originally intended to bring the major industries and municipalities in Northwest Indiana into compliance with federal and state environmental laws to protect Lake Michigan.
- The Initiative was kicked off in 1988 and the work it began continues today.
- It was initially intended to be a straightforward enforcement effort, however it went much further and was much more successful than anticipated.